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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,010	12/04/2000	Thomas R. Jenkins	15916-277	6595

7590 11/15/2007  
Attn: Craig A. Slavin, Esq.  
Henricks, Slavin & Holmes LLP  
Suite 200  
840 Apollo Street  
El Segundo, CA 90245

EXAMINER
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NGUYEN, CAMTU TRAN

ART UNIT	PAPER NUMBER
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3772

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/730,010

Applicant(s)

JENKINS ET AL.

Examiner

Camtu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-18, 21-30, 37-39 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) 11-13, 18, 37 and 42-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17, 21-30, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responding to applicant's amendment filed on 8-22-2007. No claim has been amended.

Applicant's comments pertaining to the Swanson et al reference applied in the previous Office Action are acknowledged, thus, the Swanson et al rejection has been withdrawn.

The claims have been carefully considered but deemed not allowable in view of the following grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 21-26, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Swanson et al (U.S. Patent No. 6,076,012).

Regarding independent claim 17, Swanson et al discloses in Figure 82 a probe comprising an elongated body (424) comprising a catheter carried within the outer member or sheath (442) interior bore, the distal end (426) of elongated body (424) operably connected to the distal end (440) of outer member or sheath (442). Figure 84 illustrates the tissue coagulation structure (430) supported on elongated body (424) distal region. With regard to claim 17 reciting

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the half-balloon structure, Swanson et al discloses in Figure 84 each whole expandable structure (430) comprises the "half-balloon" structure, thus, deemed to have "half-balloon" structure.

Regarding independent claims 21 and claim 25, the Swanson et al discloses the embodiment of Figure 25 comprising an elongated body (184) comprising a catheter carried within and extended outwardly from the outer member's (12) interior bore such that the distal region forms a loop including a cap or a hinge portion (186) defining the apex of the loop structure (170), the cap or hinge portion (186) is formed in the spline (172).

Regarding claim 22 reciting the control element, the embodiment of Figure 25 illustrates control elements (180, 192) associated with the distal end of elongated body (184) extending along the exterior of the elongated body (184).

Regarding claim 23, the embodiment of Figure 25 illustrates the loop structure (170) length is at least 2 times the loop height.

Regarding claim 26, the embodiment of figure 25 includes the coagulation body proximal to the hinge element and the electrodes (28) can be used to sense in heart tissue (column 7 lines 45-48).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16, 27-30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson et al (U.S. Patent No. 6,076,012).

Regarding independent claim 14, the Swanson et al reference discloses the embodiment of Figure 25 comprising an elongated body (184) comprising a catheter carried within the outer member (12), the distal region of the elongated body (184) includes a flexible spline (172) that includes a hinge portion (186). This embodiment further comprising a coagulation portion (182) but is not inflatable as set forth in claims 14 & 27, like the embodiment of Figures 82-84, as presented above. The Examiner maintains that it would have been obvious to provide the inflatable structure from the embodiment of Figures 82-84 on the embodiment of Figure 25 to provide an alternative treatment device. Furthermore, modifying the embodiment of Figure 25 to include the inflatable structure, thus, to allow for the infusion of fluid during treatment would have been obvious to one skilled in the art during the time of the invention.

Regarding claims 15, 16, the embodiment of figure 25 includes the coagulation body proximal to the hinge element and the electrodes (28) can be used to sense in heart tissue (column 7 lines 45-48).

Regarding claims 28 & 29, the embodiment of Figures 82-84 illustrates each whole expandable structure (430) comprises the "half-balloon" structure, thus, deemed to have "half-balloon" structure, and the structure (430) comprises porous material (column 35 lines 49-51).

Regarding claim 30 reciting the "heated structure", the Swanson et al embodiment of Figures 82-84 discloses fluid (438) can be introduced to expand the structure (424) interacting with electrodes (429) to generate heat, which is consistent applicant's specification on page 13 lines 1-22, thus, meets the cited "heated structure" limitation.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799.

The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CT Nguyen*

Camtu Nguyen  
November 6, 2007

*Patricia Bianco*  
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11/13/07